

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

(1) NYDIA SHARAAI BERNABEL  
A/K/A "NONNI"  
A/K/A "NANNI"  
(2) MATTHEW MARSH

)  
) Criminal No. **4:05CR40025-FDS**  
)  
)

) VIOLATIONS:  
) 21 U.S.C. § 846--  
) Conspiracy to  
) Distribute Cocaine Base  
)  
) 21 U.S.C. § 841(a)(1)--  
) Distribution of  
) Cocaine Base  
)  
) 21 U.S.C. §853--  
) Criminal Forfeiture  
) Allegation

**INDICTMENT**

**COUNT ONE:** (21 U.S.C. § 846 -- Conspiracy To Distribute  
Cocaine Base)

The Grand Jury charges that:

Beginning in or about October, 2004 and continuing  
thereafter until in or about January, 2005, at Fitchburg and  
elsewhere in the District of Massachusetts,

**NYDIA SHARAAI BERNABEL, a/k/a "NONNI," a/k/a "NANNI,"  
AND MATTHEW MARSH**

the defendants herein, did knowingly and intentionally conspire  
and agree with each other, and with persons known and unknown to  
the Grand Jury, to possess with intent to distribute, and to  
distribute, a quantity of cocaine base, also known as "crack  
cocaine," a Schedule II controlled substance, in violation of

Title 21, United States Code, Section 841(a)(1).

The Grand Jury further alleges that the conspiracy described herein involved at least 5 grams of a mixture and substance containing a detectable amount of cocaine base, also known as "crack cocaine," a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B)(iii).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:** (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about November 9, 2004, at Fitchburg in the District of Massachusetts,

**NYDIA SHARAAI BERNABEL, a/k/a "NONNI," a/k/a "NANNI,"  
AND MATTHEW MARSH**

the defendants herein, did knowingly and intentionally distribute a quantity of cocaine base, also known as "crack cocaine," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT THREE:** (21 U.S.C. § 841(a)(1) -- Distribution of Cocaine Base; 18 U.S.C. §2 -- Aiding and Abetting)

The Grand Jury further charges that:

On or about November 9, 2004, at Fitchburg in the District of Massachusetts,

**NYDIA SHARAAI BERNABEL, a/k/a "NONNI," a/k/a "NANNI,"  
AND MATTHEW MARSH**

the defendants herein, did knowingly and intentionally distribute a quantity of cocaine base, also known as "crack cocaine," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 2 of this Indictment,

**NYDIA SHARAAI BERNABEL, a/k/a "NONNI," a/k/a "NANNI,"  
and MATTHEW MARSH,**

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendant --

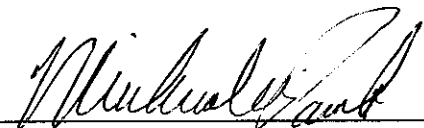
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL,

  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
JOHN A. NORTMANN, JR.  
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS

April 28, 2004 @ 2:18 PM

Returned into the District Court by the Grand Jurors and  
filed.

  
\_\_\_\_\_  
Deputy Clerk

**Criminal Case Cover Sheet**

**U.S. District Court - District of Massachusetts**

Place of Offense: Massachusetts Category No. II Investigating Agency DEA

City Fitchburg Related Case Information:

County Worcester Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant X \_\_\_\_\_  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**

Defendant Name Nydia Sharaai Bernabel Juvenile ☐ Yes ☒ No

Alias Name Nonni, Nanni

Address \_\_\_\_\_

Birth date (Year only): 1972 SSN (last 4 #): 3170 Sex F Race: Hispanic Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**

AUSA John A. Wortmann, Jr. Bar Number if applicable \_\_\_\_\_

Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_

Matter to be SEALED: ☒ Yes ☐ No

☒ Warrant Requested ☐ Regular Process ☐ In Custody

**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_

☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial

☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_

Charging Document: ☐ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ 3 Felony \_\_\_\_\_

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 4-28-05 Signature of AUSA: \_\_\_\_\_



JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Nydia Sharaai Bernabel

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC 846</u>	<u>Conspiracy to Distribute Cocaine Base</u>	<u>1</u>
Set 2	<u>21 USC 841(a)(1)</u>	<u>Distribution of Cocaine Base</u>	<u>2, 3</u>
Set 3	<u>21 USC 853</u>	<u>Forfeiture Allegation</u>	
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: Massachusetts Category No. II Investigating Agency DEACity Fitchburg Related Case Information:County Worcester Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_  
Same Defendant \_\_\_\_\_ New Defendant X  
Magistrate Judge Case Number \_\_\_\_\_  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Matthew Marsh Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address \_\_\_\_\_

Birth date (Year only): 1975 SSN (last 4 #): 2651 Sex M Race: \_\_\_\_\_ Nationality: USA

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA John A. Wortmann, Jr. Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☒ Yes ☐ No☒ Warrant Requested ☐ Regular Process ☐ In Custody**Location Status:**

Arrest Date: \_\_\_\_\_

☐ Already in Federal Custody as \_\_\_\_\_ in \_\_\_\_\_☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 3

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 4.28.05 Signature of AUSA: \_\_\_\_\_

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Matthew Marsh

## U.S.C. Citations

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Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: